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Developing a Poverty Law Course: A Case Study

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DEVELOPING A POVERTY LAW COURSE: A CASE STUDY

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INTRODUCTION

During the past three years, participants in the University of Wisconsin's Families, Poverty and Law Project have moved toward the goal of mobilizing legal education in poverty law. This move continues as the project evolves in design and direction, hopefully encouraging the school's faculty to make the project a permanent part of the law school curriculum.

Through this case study,[1] it is our goal to describe the evolution of the Families, Poverty and Law course taught for the past three years at the University of Wisconsin Law School, share students and professors' perceptions of the course, and report on the successes and challenges of the course. Further, we seek to explore and explain the tensions which have emerged from the course's materials and show how critical assessments of the original seminar have led to the creation of revised seminars. Finally, we hope that this discussion of our

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1. This Article is a revised version of an intermediary case study prepared for and presented to the Interuniversity Consortium on Poverty Law. This version of the case study, which has benefitted from many of the Consortium's comments and insights, represents an attempt to share the University of Wisconsin's Families, Poverty and Law Project with a larger audience.

experiences with the Families, Poverty and Law project will cause other law schools to address and consider teaching poverty law courses in contexts other than the family law context.

Part I of this Article describes the original Families, Poverty and Law seminar and the thoughts which led the school to establish the project. Part II discusses the substantially different aspects of the course resulting from its evolution during the period between 1990 and 1991. Finally, Part III discusses some themes gathered from our experiences with the Families, Poverty and Law course and relates them to a broader discussion of pedagogy and theories about the use law for social change. In each part of this Article, we share both what happened and what we learned during the course's existence.

I. PART I: ORIGINAL SEMINAR

A. *Goals*

The Families, Poverty and Law Project was conceived as part of the Ford Foundation-funded Interuniversity Consortium in Poverty Law. The Consortium's goal is to foster academic awareness of poverty in the nation's law schools by mobilizing poverty law educators and advocates to develop creative model projects at member schools.[2] University of Wisconsin participants contributed to the Consortium by innovating the poverty law curriculum offered at the law school by developing a non-traditional, inter-disciplinary course dealing with poverty and poverty's impact on the family.

To narrow the focus of the poverty law program, Wisconsin's poverty law course exclusively concentrated on the substantive area of family law. The creators of Wisconsin's poverty law program had two fundamental goals. First, the program's originators sought to build an understanding of the effect of law on poor families by developing curriculum which exposed students to legal issues involving the poor. Second, the creators sought to integrate academic, clinical, and advocacy perspectives in teaching the poverty law course. As articulated in the original Ford proposals, the year-long project was designed to be a seminar and clinical placement program to study the combined impact of domestic relations laws and other aspects of substantive law and policy on poor families. Under these proposals, students were to de-

2. The Consortium originated in 1989 with three participants: Harvard, Wisconsin, and UCLA. *See* introductory essay by Gabrielle Lessard in this volume. 42 WASH. U. J. URB. & CONTEMP. L. 57 (1992).

velop systematic class, race, and gender-based analyses of poverty and systems of regulation affecting poor families through traditional and non-traditional academic work as well as through clinical experience.

University of Wisconsin Law School created the Families, Poverty and Law seminar to address the lack of curriculum coverage in the areas of family and welfare law and to engage professors, students, and advocates in advancing research in these substantive legal areas. In order to perform these functions, the seminar design embodied three innovative aspects: (1) substantive curriculum development; (2) clinical placements for students; and (3) integrating clinical perspectives and links with perspectives of poverty advocates already working in the field.

The creators of the Families, Poverty and Law seminar sought to supplement traditional family law courses by explicitly addressing the impact of domestic relations law and policy on poor people, placing special emphasis on poor families, minorities, and women. The professors wanted to challenge traditional paradigms of family law and poverty policy by creating a set of multi-disciplinary reading materials and combining the study of these materials with direct clinical experience under poverty law advocates working in the field. In order to accomplish a program with "practical" aspects, the law school held special seminar meetings for the advocate-supervisors and the students which rounded out the seminar's conceptual framework and cultivated links with working poverty advocates in the Madison-Milwaukee community.

B. *Seminar Design*

1. Materials/Content

The Families, Poverty and Law seminar's reading materials consisted of a compilation of multi-disciplinary essays which included sociological, anthropological, and economic studies; newspaper articles; and judicial opinions and law review articles. The first unit, entitled "Who Are the Poor?," introduced students to the various definitions of poverty and provided a conceptual framework for understanding poverty and the poor. The articles read during this portion of the seminar addressed Black, Hispanic, and Native American families; single parents; and elderly people. The second unit, "Problems of Poor Families," presented students with specific problems relating to income, education, health, housing, parenting, and non-traditional family relationships. This unit exposed students to the regulatory schemes and

laws affecting the poor, such as Aid to Families with Dependant Children (AFDC) and child custody laws.

The analytical framework in which professors presented these materials reflected the various perspectives of critical scholars in the areas of poverty, race, and gender. The school's goal in utilizing this framework was to explore the poverty problem in the United States in depth by considering the substantive areas of poverty law and policy, and focusing on analytical themes about poverty in the seminar's readings. Professors encouraged students to learn to challenge common assumptions about poverty and critically analyze current and proposed policies relating to poverty in order to develop a comprehensive, systematic understanding of poverty.

2. Structure

a. Classroom

The year-long poverty law seminar[3] met once a week for two hours. Students taking this seminar received a total of six credits. In addition to participating in the seminar, each student completed two thirty-page papers. Two professors, Martha Fineman and clinical teacher Louise Trubek, taught the seminar together.

Professor Fineman introduced the seminar's substantive material during the seminar's early weeks. Each week thereafter, an assigned student presented that material and initiated discussion. The assigned student was required to meet with a professor prior to class to organize the student's presentation.

The professors intended, both through the small size of the class and its content, to provide an atmosphere which facilitated open and forthright discussion. A secondary aim of the course was to attain a diverse mix of students including students with various ethnic backgrounds and men and women of varied life experiences. Because the materials were specifically class, gender, and race-conscious, the seminar's professors had hoped that this consciousness would similarly be reflected in student participation.

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3. At the University of Wisconsin Law School, a seminar is a smaller, less formal class setting than that of the traditional law school class. Professors teaching seminars usually require students to write a substantial paper rather than take an exam. Generally, seminars are one semester in length. The authors have used the terms "course" and "seminar" interchangeably within this Article.

b. Clinical

The seminar offered an optional clinical placement for a limited number of students. The placement was offered for five credits per semester and required students to work three hours per week for each credit received. Experienced attorneys from five legal organizations in the Madison-Milwaukee vicinity, all of which engaged in poverty advocacy, supervised the seminar's clinical placements. These organizations included: the Wisconsin Coalition for Advocacy located in Madison; Legal Action of Wisconsin located in Madison; Legal Action of Wisconsin located in Milwaukee; Legal Aid Society located in Milwaukee; and the Center for Public Representation AIDS and Women's Projects located in Madison.[4]

The professors supervising the Families, Poverty and Law clinical program chose these organizations for both strategic and practical reasons. First, the organizations had prior contact with either the law school professors or law school clinics, or had already been organized as law school clinics. Second, they were well-established, on-going projects in the community practicing substantive poverty and family law. Finally, the supervising attorneys at each organization were committed to the seminar's goals and welcomed the prospect of working with law students.

Unfortunately, each organization could take only one student due to time constraints of supervisory personnel and the anticipated difficulties in managing externship-type clinicals. Because of these participation limitations, student clinical placements became an optional component of the seminar.

The coordinators of the Families, Poverty and Law clinical program scheduled four special meetings throughout the year for all clinical supervisors and placement students. These meetings had several purposes. First, they were intended to establish links between the professional advocates and academics involved in the exploration of poverty. Second, these meetings integrated the substantive theoretical material discussed in the classroom with the clinical experiences.

4. The Wisconsin Coalition for Advocacy is a non-profit public firm which represents the handicapped. Legal Action of Wisconsin is funded by the Legal Services Corporation and is located in Wisconsin's two major cities, Madison and Milwaukee. Legal Aid Society is the charitable organization which has represented the poor since the early 1900's. The Center for Public Representation is a non-profit corporation which is composed of four component parts: a law firm, a training center, a watchdog, and a publishing house. The Center is dedicated to speaking up for the unrepresented.

Third, the meetings provided an opportunity for the professional advocates from the participating organizations to share information with each other. Finally, the meetings were a first step in the establishment of future on-going communications between academics and advocates in the Madison-Milwaukee community.

C. *What Happened?*

1. Student Reflections on the Seminar[5]

The professors of the Families, Poverty and Law seminar limited the class size to fifteen students to encourage discussion and maintain the feel of an in-depth seminar. Twelve women and three men composed the seminar. Further, of the fifteen seminar members, two were African-American and one was Native American. All but one student completed the year-long course. Most seminar members felt comfortable participating, although, as in most seminars, not everyone talked freely and some students spoke more than others. As mentioned above, five students participated in the clinical placement program.

a. Content

Most students taking the Families, Poverty and Law class felt that it was important to have a law school class which directly confronted the issues of poverty and race. For example, one student remarked that "traditional" law school courses, such as property and family law, explicitly deal with race and gender issues only on rare occasions and no law school class deals with the intersection of law and poverty. For that matter, few courses rarely even mention poverty issues. When asked what they received from the Families, Poverty and Law seminar, many students indicated that the seminar experience sharpened their critical analytical skills generally and for purposes of confronting poverty policy issues particularly.

Throughout the seminar, students were presented with various definitions of poverty and remedial policies used to confront poverty. Students learned to analytically criticize the assumptions and implications of various theoretical analyses of and programmatic solutions to the problem of poverty. For example, one student remarked that she can

5. Through informal discussions and interviews, former students, professors, and advocates shared their perceptions on the seminar for use in this case study. The following discussion of the experience and assessment of the success of the seminar is, therefore, anecdotal and qualitative.

now identify the assumptions about poverty used by policy-makers in crafting programmatic solutions to the poverty problem, particularly in the area of welfare policy. She felt that the organization and method of teaching the materials had helped her develop a "skeptical eye" useful in many other contexts as well.

Furthermore, many students believed that the seminar was uniquely relevant to their own life experiences and career goals. For example, one student who grew up in the Milwaukee inner-city reflected that he saw his own personal experiences and conceptual understandings of poverty and race change as a result of his participation in the seminar. Another student who plans to practice poverty law valued the seminar because it was the only law school class which she felt had been relevant to her career interests. The general consensus of the students was that the seminar's content was interesting and personally valuable.

As the year went on, however, students identified a tension in the approaches to poverty presented in the seminar. Each week, time was spent critically analyzing the assigned readings and deconstructing the assumptions underlying the readings. This analytic framework urged a comprehensive conceptualization of poverty which viewed poverty as a systemic problem in America that nothing short of a revolution could solve. Yet, at the same time, the Families, Poverty and Law Project encouraged students to get practical experience by working with poverty advocates whose daily work involved exclusively legal remedies to the problems derived from and associated with poverty. Hence, the tension between the projects approaches to poverty became clear to the students. Although the project's academic approach seemed to urge that nothing can be done about poverty through law, the attempt of the seminar to integrate a lawyering perspective through the clinical program preserved the notion that poverty advocacy is a worthwhile endeavor.[6]

Although the project students recognized the value of the comprehensive theoretical material in developing a thoughtful conceptualization of poverty, many believed that, after their seminar experience, nothing could be done about poverty in the United States and that lawyers had a particularly limited role in resolving the nation's poverty problem. One student commented that the course's framework defused other alternatives or solutions to poverty (such as more "incre-

6. Significantly, this tension, which may have stultified the first effort at teaching the seminar, enlivened discussions in succeeding seminars because students and teachers directly addressed the tension and made it a meaningful focus of the course.

mental" approaches, for example). That student also complained that actual accounts of poverty lawyering were given only minimal attention in the classroom.

Many students expressed the concern that the seminar overlooked practical or constructive perspectives or approaches to understanding poverty. Many mentioned that more discussions of current lawyering efforts to deal with poverty should have been integrated throughout the course, especially when the course material made the poverty problem seem "hopeless" or "depressing." The seminar enabled the students to develop a sophisticated ("big picture") structural account of poverty in the United States. Yet, the students were generally disappointed that they were left with no tools with which to work in approaching the problem they had spent a year exploring and trying to understand. The systemic explanation of poverty may have been comprehensive and provocative, but it seemed to have precluded expansive and varying discussion concerning poverty in general. As the conceptual framework of the seminar developed, there seemed to be no room for an account of constructive lawyering and no room for new visions of the poverty problem.

b. Scope

Students mentioned that the comprehensive and in-depth coverage of the seminar — reflected in both in its year-length and the assigned reading materials — was a strong aspect of the seminar. Students commented that the seminar thoroughly treated specific subjects relating to poverty such as homelessness, AFDC, and contemporary notions of the African-American family. Although the students appreciated the ambitiousness of the project, they were sometimes frustrated by it. Predictably, for the students, the drawback of the seminar's comprehensiveness was the heavy workload that it required.

In addition, student opinion of the year-length of the course varied. Some felt that a year was necessary given the breadth of the material and the ambitious scope of the seminar. Others felt that a year was too long due to the "psychic numbing" effect of the extensive exposure to the seemingly unsolvable problems of poverty.

c. Papers

Nearly all the student-written papers analyzed particular social policies or theoretical perspectives of poverty. Some were quite successful. For example, one student's paper was later used in a version of the

course materials. Another student wrote a paper based on her clinical experience on a topic suggested to her by her clinical supervisor. Other clinical students explained that their clinical experiences did not suggest topics appropriate for academic works.

However, the breadth and comprehensiveness of the year-long course may have adversely affected the quality of some student papers. Students suggested that two thirty-page papers required too much time and effort. Indeed, some students took "incompletes" in the seminar because they did not complete their final papers before the end of the semester.

d. Discussion Format

Student responses varied with respect to the unique "style" of the seminar which clearly differed from that of other law school course offerings. The seminar had a relatively intimate group, an "egalitarian" discussion format, and the participation of two different professors. Some students mentioned that the student presentations of the weekly reading material were useful because the presentations gave students an opportunity to speak at least once each semester. Other students, however, felt that the student presentations resulted in loose and unfocused class discussions and intruded upon the professors' ability to probe beyond the text and pull together the seminar's themes.

Although the seminar format was designed to highlight student participation, class discussions were not always as lively or provocative as the seminar's professors had hoped. Students offered both procedural and substantive reasons for this. One student expressed regret that there were not enough people in the class with divergent points of view to generate provocative discussions. Most of the class participants already had some sensitivity to the issues of poverty before signing up for the course and did not need to be "converted" to the perspective that racism and sexism are pervasive and inherent in discussions of poverty. Consequently, these factors limited in-class discussions and debates. Students tended to agree with each other and rarely countered the professors' analyses.

Another student suggested that the substance of the discussions, rather than the make-up of the class, kept the debate one-sided. She suggested that the analytical thrust of the class and the goal of challenging all assumptions underlying definitions of and solutions for poverty left constructive approaches to poverty undeveloped. For this student, the seminar provided nothing beyond a substantive critical

treatment of the course material. Consequently, for her, class discussions failed to encompass various perspectives on poverty in the United States.

e. Clinical Experiences

The five students who participated in the clinical placements throughout the year indicated that they had positive experiences overall. However, the students' clinical experiences differed because each placement varied greatly due to the type and intensity of work and the sense of integration the placement had with the seminar. Some students felt that the first-time exposure to "real" poverty issues provided by the clinicals was the class's most beneficial aspect.

Unfortunately, however, the clinicals proved disappointing to students in two respects. First, some students felt that, however valuable the exposure was, they did not get an opportunity to engage in real poverty lawyering. Some students did work that did not relate directly to the seminar's emphasis on family law. For example, the placement with the AIDS Project entailed policy research rather than client work. Other students did more observation than actual supervised lawyering.

Second, students felt the clinical experience in the context of the academic seminar was disjunctive. Some found it difficult to integrate the clinical placement and the classroom experience. Because only five students out of fifteen participated in the Family, Poverty and Law Project's clinical component, the classroom discussion itself never focused on the clinical placements. Consequently, the course's professors failed to effectively integrate students' clinical experiences into the core course. This failure may have been attributable to the intensity of the course materials and the analytical framework in which they were presented as well as the difficulty of organizing placement projects that substantively intersected with the seminar materials. Students suggested that integrating their clinical experiences and core coursework was impossible because the academic material was not specifically relevant to substantive issues of law that arose in their placements.

Moreover, students identified a tension between the "global" or structural account of poverty urged in the classroom and the "local," incremental attempts of the poverty advocates to deal with the legal matters of live clients. Integration of clinical experiences into the seminar's core course proved difficult because the course dealt with the "big picture" of poverty and policy whereas the placements involved impoverished individual clients. Further, supervising attorneys were

solely concerned with advocacy techniques in a specific area (child custody, for example), not in general. As one student described, the inquiry "why were the clients poor" did not enter into the daily work of the Legal Aid lawyer with whom she worked.

f. Clinical Meetings

Generally, the clinical supervisors were pleased with the students who worked with them in clinical placements and supportive of the seminar's goals. Most lawyers felt, however, that due to time constraints, it was difficult to spend the time cultivating the kind of integrated and supportive relationship the seminar's creators envisioned. For example, one supervising attorney explained that it was hard for her to make the time required to attend the special clinical meetings. It was hard enough, she said, to plan and organize work projects and supervise her clinical student.

In addition, the meetings themselves may not have accomplished their original goals. The supervising attorneys and advocates shared and discussed specific projects assigned to students at their placements. One attorney mentioned that she was interested in the projects of the other advocates, even if they were not directly relevant to her own work. However, she felt that the discussions often lacked focus and gave superficial treatment to the substantive law.

Moreover, the same attorney found the experience frustrating because it was difficult to alter her practical and substantive approach to family law issues in order to participate in the academic or conceptual discussions. She identified a tension between the theoretical approach to poverty cultivated in the class and the daily, incremental approach of most lawyers serving the poor in practice. Like the students in the clinical placements, therefore, the advocates recognized a similar disjunction between the practical and academic aspects of the seminar.

D. *Accomplishments of Seminar/Directions for Change*

The Families, Poverty and Law Project highlights many of the tensions involved in constructing an innovative approach to addressing poverty issues in legal education. The seminar failed to integrate practical and academic perspectives of poverty law in the classroom. A powerful tension emerged for students, professors, and advocates as each struggled to bridge the gap between the academic and practical approaches to substantive poverty law and lawyering. Nonetheless, the seminar accomplished many of its original goals.

First, the seminar was most successful in helping law students develop a sophisticated sensitivity to issues affecting the poor, people of color, and women. This aspect of the class became a central component in later versions of the seminar. The appeal of a course which is explicitly class, sex, and race-conscious has been exemplified by the seminar's large enrollments (thirty-nine students in the fall of 1990 and forty-four in the fall of 1991), diversity of students relative to that of other law school courses (a greater number of minority and women students take the seminar than take other law school courses), and the students' wide-ranging substantive law interests. For example, in the past, seminar students have expressed interests in criminal law, civil rights law, and family law.

Second, the original multi-disciplinary reading materials successfully presented an innovative approach to family law and expanded the parameters of the traditional law school curriculum. The same materials, though greatly condensed for one semester, were used in the revised course.

Third, the classroom experience and, to a lesser extent, the clinical placements with poverty lawyers in the field exposed students to substantive issues affecting the poor in addition to exposing the students to various theoretical perspectives of poverty. Revised seminars have preserved the substantive focus of the course but attempt to relate the academic materials to practical lawyering to a greater extent. Because recent versions of the seminar lack the clinical component of the seminar, the unit on lawyering and poverty advocacy is given more emphasis in the classroom.

The seminar did make strides towards tailoring a specific poverty and family law curriculum, but it failed to integrate the students' clinical experience with the theoretical material presented in the classroom. This may have been due to practical constraints as much as to the nature of the analytical framework utilized in the classroom. The lack of integration can also be attributed to the difficulties in managing external clinicals and of coordinating the substantive area of the placements with course's academic material.

Finally, although the seminar cultivated students' relationships with working poverty advocates, the experience of the Families, Poverty and Law seminar demonstrates the difficulties in establishing the mutually beneficial linkages between academics and poverty advocates envisioned by the Consortium. The special clinical meetings were not as successful as the seminar's creators would have hoped, as substantive

engagement with the supervising attorneys was limited. However, professors began valuable personal relationships with poverty advocates and their organizations which will continue in the future. Two of these organizations (Legal Aid and the Wisconsin Coalition for Advocacy) remain enthusiastic about future student placements of some kind. In addition, the Families, Poverty and Law course's instructors are making efforts to reach out to other community organizations.

The difficulties in merging academic and practical perspectives of poverty certainly are not unique to this seminar. Problems of creating clinical placements that give students constructive, practical experiences surface routinely in many clinical programs. It is now clear that critical or theoretical approaches to poverty often conflict with strategic thinking about individual client problems or particular issues of substantive law. The seminar's first year adequately demonstrated the difficulty legal educators face in confronting this conflict; however, the seminar's first year also suggested ways in which the designers of the program can directly confront this conflict.

II. PART II: REVISED SEMINAR

Professor Louise Trubeck together with Professor June Weisberger and clinical instructor Susan Brehm substantially redesigned the seminar and taught it in the fall of 1990 as a one-semester, three credit course, open to a larger number of students. The class met once a week for two hours and students were required to write three papers. The revised seminar lacked the integrated clinical component of the original seminar. Even though a beneficial aspect of the seminar was its comprehensiveness, the instructors decided to limit the new course to one semester. Thirty-nine students took the Fall 1990 seminar.

The redesigned course differed dramatically from the original Families, Poverty and Law seminar. Differences in structure, pedagogy, and "style" were the result of the new course's deliberate design. The nature of student participation and the substance and primacy of class discussions, though unplanned, represent the most ground-breaking accomplishment of the new course. In this section, we contrast the old and new seminars, concentrating on student reactions to each program. We explain how our insight developed as new challenges came into focus and our pedagogical and philosophical concerns changed radically from the original seminar.

A. *Goals*

In developing a strategy to teach the Families, Poverty and Law course for the second time, the University of Wisconsin Law School faculty hoped to cure some of the problems that surfaced during the original seminar. The faculty grappled with the problem of how to present a comprehensive treatment of poverty in the context of a law school course seeking to teach about social change. The instructors also sought to alleviate the "psychic numbing" effect of the detailed sociological studies by integrating materials which focused on practical poverty lawyering into the course. Finally, they hoped to encourage open discussions in a large class setting without losing substantive coverage of the material.

B. *Structure/Design*

1. Materials/Content

For the purposes of the new seminar, the seminar's professors required students to become familiar with a substantially edited version of the original seminar's course materials. Although the subject matter remained the same, the new course focused less on substantive issues of family law than had the original seminar. One reason for this change was that the three women now teaching were not family law specialists.[7] Like the original seminar, the revised seminar was not "law-centric," but relied heavily on sociological and economic studies which helped to provide an inter-disciplinary and detailed treatment of specific issues and different communities of poor people. The professors condensed much of the original reading material to suit the new one-semester format. Because the faculty eliminated the clinical component of the poverty law program, the course's instructors made a conscious effort to include a section on poverty and social change lawyering and to discuss lawyering as much as possible throughout the semester.

2. Classroom

Different instructors taught each class. Before class meetings, all three teachers met to coordinate their ideas and discussion materials. Each week, professors distributed discussion questions for the following week's readings each week.

7. Professor Fineman, the family law professor who helped teach the original seminar, is now a member of the faculty at Columbia University School of Law.

C. *What Happened*

By all accounts, the most interesting aspect of the new poverty law course was the classroom discussion among students. In fact, the discussions allowed the students rather than the readings to become the central feature of the learning experience.

The richness and occasional volatility of these discussions contrasted a great deal with the previous seminar. This difference can perhaps be attributed to the larger size of the new course relative to that of the original seminar. Moreover, the teaching style of the three course teachers may have encouraged open and forthright discussion. However, the substance and quality of the discussions must also be explained by the diversity of the new class's students.

Minority students comprised about one-third of the class. Given the demographics of the student body at the University of Wisconsin Law School, this substantial minority enrollment in a class is rare.[8] The personal experiences, expertise, and insights of students became the focus of the class instead of an analytical viewpoint, which was the center of attention during the previous seminar. For example, several students in the class shared their experiences of growing up poor, African-American, or Hispanic. One student shared insights gleaned from working in a welfare office for several years. Another student with an advanced degree in sociology added her perspective on the course's readings. The discussions were the strongest feature of the course and yielded the most powerful reactions, both positive and negative, from the students.

One positive aspect of the class discussions was that they exemplified the fact that this course gave minority students an opportunity to participate actively and meaningfully in the law school curriculum. Many minority students found themselves to be more vocal here than they were in other law school classes. Several students appreciated that course instructors encouraged and validated the incorporation of personal experiences into classroom discussion of the readings and assigned papers. Each instructor's style of listening seemed to facilitate this reaction; each tried to let class discussion develop without much intervention, even if controversial issues surfaced.

8. *See* Lois Schwartz & Suzanne Homer, *Stumbling Blocks and Stepping Stones: Newcomer's Guide to Perilous Terrain in Law School*, 15 VT. L. REV. 165, 170-73 (1990) (describing the insider and outsider perspectives observed in legal education and discussing the work of critical race theory and feminist legal scholars who develop the "outsider" perspective through various techniques).

As was the case in the original seminar, students liked the reading materials because the materials covered issues of race, class, and gender which are not addressed by other parts of the law school's curriculum. In the new seminar, discussions about these issues were more successful. Students seemed to become more engaged in the material by focusing on race, gender, and class issues. Students in the new seminar appeared to realize that sharing personal experiences not only enriched the sociological readings but also stimulated discussions beyond the subject matter of the course material. Students utilized their own personal experiences to challenge the inherent race, gender, and cultural assumptions presented in different articles. As a result, class discussion often focused on issues of race and gender not considered in the materials and well beyond the course's scope.

The open and far-reaching discussion format also had its drawbacks. Many students became frustrated with the style and substance of the class discussions. One student commented that the class often turned into the "Phil Donahue" hour. In part, this comment reflected the student's perception that instructors did not effectively manage class discussions. But, like other negative student reactions, that comment also reflected the discomfort many felt with the substance of the conversations. The emotional, provocative, and often threatening nature of discussion about systemic racism and poverty upset and angered some course participants. For many, it was their first time in a class in which minority students were the most vocal.

As a result of the unique participation qualities of the new seminar, one student commented that there were "deep issues of silence" in the class. Although the class environment encouraged some students to speak openly, other students were afraid to speak at all. White students did not want to seem racist and some did not want to appear ignorant of the problems of poverty. Further, some majority students feared that their personal experiences would be devalued by other class members.

In contrast to those who favored a less-structured teaching style, several students characterized the role of the faculty as "hands-off." These students were frustrated because the instructors did not actively manage the discussions or step in to discourage irresponsible comments made during these "free for all" discussions. Some students complained that stereotypical comments — from all perspectives — were not tackled constructively by the students or instructors.[9]

9. For example, at one point in a discussion about African-American families, a

In addition, many students became discouraged because the discussions tended to stray far from the readings. As a result, the materials were sometimes given little attention. With so much substantive material to cover, the class discussions did not seem to reach many of the readings in any detail or depth or provide enough coverage of substantive areas. One student wished there had been a more stringent framing of issues in the discussions which would enable her to develop strategic thinking about poverty. In addition to this administrative problem, the critical thoroughness achieved in the year-long seminar was not developed as well in the one semester version.

D. *Accomplishments/Directions for Change*

As the new course developed, it achieved substantially different goals than that of the seminar and provoked a new set of concerns. Like the original seminar, the new course succeeded in exposing students to the complex issues of poverty law and focusing students' attention on the issues of racial and gender-based oppression in a manner atypical of law school classes. Students spoke of and learned from their own experiences. Calling attention to race, gender, and class-bias in the classroom was emotional and clearly frustrating for some students. The sentiments expressed by people who shared personal experiences and the process of listening to them became a critical part of the poverty law course.

More importantly, the course created new goals which were at the heart of the Consortium project. First, course professors encountered student apathy and cynicism about utilizing the law to combat poverty and oppression. Second, the professors struggled to develop an effective way to teach about the practice of poverty law. Third, the professors grappled with the often competing goals of arming students with critical analytical skills and engendering creative thoughts about the use of law for social change in the arena of poverty or family policy in the United States. Finally, the professors dealt with the challenges of addressing issues of race, gender, and class in the classroom for the first time.

In the new course, issues concerning the use of law to redress problems of poverty surfaced again, but the issues arose in a different manner than in the previous seminar. In the first seminar, students

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minority student stated that it is common knowledge that white people are bad at raising families. One student noted that this remark was not dealt with at all — no white student felt they could challenge it and the professors failed to intervene.

who were committed to (or at least hopeful about) utilizing the law for social change became discouraged with that perspective as the seminar wore on. These students came to view poverty, racism, and sexism as systemic barriers that the law itself reflects and probably could not knock down. In contrast, many students in the new seminar were already critical about the use of law for social change and appeared ambivalent about legal solutions for poverty. These students believed that the legal system merely offers limited and incomplete solutions to institutional and societal problems. They also recognized that legal solutions may, in themselves, be harmful. Comments made during class discussions and, in some ways, the general tenor of the course reflected this attitude although the course instructors struggled to pose ways in which the law could be used to mobilize groups toward change. In the final analysis, students appreciated some examples of creative and successful poverty lawyering. One example that many students recalled dealt with a community which mobilized and effectively utilized the law to prevent a highway from destroying their neighborhood. But, despite reference to a few examples which offered isolated creative strategies, the students admitted only a limited role for the law in creating social change.

In particular, African-American students in the new class voiced frustration and pessimism with the "system" and with the law as a solution to institutional and societal ills. Nevertheless, their comments became a significant part of the course and even helped to shape the presentation of the course material. This "looking to the bottom" method of analysis helped everyone's understanding of the course's issues.[10] It forced the professors to move toward a deeper level of critique than they had anticipated or incorporated from the beginning[11] and encouraged students to think critically about the law and creatively about lawyering. Analysis of the new course suggests that creating a method of integrating "insight from the outside" has benefits which go well beyond the classroom.[12]

In teaching this course, the professors faced new challenges and encountered many unanticipated problems. First, as the in-class discus-

10. *See, e.g.*, Mari Matsuda, *Looking to the Bottom: Critical Legal Studies and Reparations*, 22 HARV. C.R.-C.L. L. REV. 323 (1987).

11. An article in Madison, Wisconsin's *Capital Times* revealed that many minority law students are ambivalent about using the law to address racism even though they remain committed to the goal of social change. CAPITAL TIMES, Dec. 3, 1990, at 1C.

12. Schwartz & Homer, *supra* note 8.

sions soon overshadowed the written materials, the professors faced a new pedagogical concern. The dynamic of having majority and minority students in the classroom suggested a real problem of insider and outsider perspectives which form the subtext of most law school courses.[13] The professors of the new course discovered that they must give more thought to the problem of how to validate personal experiences without alienating students and losing grasp of a course's substantive framework.[14] These professors concluded that the "silencing" of students that some perceived must be channeled into constructive listening rather than resentment.

Second, the professors of the new course faced great ambivalence in many students' attitudes. Many students in the course remained committed to working toward greater social justice through law. At the same time, however, these same students expressed a critical awareness of the law's role in creating and perpetuating poverty and other forms of oppression. Reflecting on the outcome of the new course, the professors realized that acknowledging these contradictory perspectives was crucial in future efforts to teach the course. Moreover, acknowledging the tension might be essential to an effective reconsideration of methods of teaching about the use of the law for purposes of social change.

Law student ambivalence towards utilizing the law for purposes of solving societal and institutional ills seems attributable not only to the "critical consciousness" of a new generation of students, but also to the experiences of many students who are members of subordinated groups. The experience of racial, ethnic, class or gender difference under the law is — at many different levels — an experience of domination and oppression. Some critical race theorists have expressed the struggle to utilize oppressive law for institutional and societal improvement as "living in the contradiction."[15] Professors instructing about law and social change must acknowledge and incorporate the critical race theorists' perspective and harness its energy for student analysis.

The new seminar suggests that professors can encourage students to think creatively about lawyering in the area of poverty or other social change work. However, this thinking must be responsive to the critical race theorists' perspective. Like the student comments made during

13. *Id.*

14. Professor Charles Lawrence has spoken often on race-conscious pedagogy and the use of narratives in the classroom. Kim Crenshaw's article on race-conscious pedagogy is another example.

15. *See, e.g.*, Matsuda, *supra* note 10.

class discussion, the experience of "outsiders" may show us a new way to think about social issues and guide us in finding the best ways to utilize the law for purposes of social change.

In order to implement the use of "outsiders" experiences to teach about the most effective ways of utilizing the law for social change, professors may have to move away from old style poverty lawyering and create a new style. This move would require attorneys to work toward client empowerment and community mobilization rather than individual entitlements or incremental procedural tinkering. Every student in the new course remembered the case of the impoverished people who organized and resisted the construction of a highway which would go through their neighborhood as an example of creative and successful lawyering. For some unknown reason, the example resonated with meaning for the students. The experience of the Families, Poverty and Law Project suggests that teaching about poverty necessitates thinking about oppressed groups from their own perspective. The course also emphasized that real experiences — voices from the bottom — should be incorporated not only into the materials but also into the methodology of the course itself.

E. *Revisions for the Future*

University of Wisconsin Law School revised the Families, Poverty and Law seminar again for the 1991 Fall semester. The seminar instructors worked closely with two students who were formerly in the seminar to revise the materials and organization of the seminar. The newest seminar focused on the same themes and tried to maintain the same discussion format as the second seminar. Through tighter organization, new reading selections, and carefully crafted practical assignments, the instructors hoped to stimulate lively substantive discussions, and provide in-depth coverage of more selected topics in poverty law. The professors implemented this latest revision to give the course more structure, provide more lawyering focus in the materials and discussion, and encourage students to appreciate the potential for positive change through utilization of the law. At the same time, however, the instructors wished to keep the best elements of the previous seminar, such as thoughtful class discussion and encouraging the use of students' personal experiences. For the first time, the professors concentrated on developing a unique pedagogy for the course which would address concerns about substantive focus and the need for students to get a "practical" feel for issues in poverty lawyering.

The professors divided the course into topics after initially discussing who the poor are and theories of poverty during early class sessions. The topics included education, work, housing and homelessness, health, and welfare. Each unit's reading materials incorporated cases, periodical articles, clippings, legislation, and interdisciplinary materials and focused, in part, on lawyering approaches. The concreteness of the topics and materials encouraged discussion and revealed a substantial range of student attitudes toward the causes of and solutions for the poverty problem. Professors included elaborate discussion questions before each set of seminar materials which allowed students to understand the wide-ranging perspectives seen in those materials. Nonetheless, the professors of the third course observed that the latest group of students was less vocal than the previous group in expressing opinions on causes and approaches to poverty. The lesson the professors learned from this experience was that careful preparation will not guarantee lively class discussion. Students, to a large extent, create the poverty law class.

In the newest seminar, the faculty substantially revised students' paper topics. The professors offered a more limited number of options for each unit than they did during the second seminar. This limitation allowed for student choice and easier comparative grading. For example, the health care unit offered a choice of drafting legislation for universal health care, describing a student's, family member's, or friend's health care experience, and relating that experience to the class's concerns and developing an approach to encourage seniors to endorse an innovative reverse home mortgage instrument. The students' papers proved extremely thoughtful, moving, and demonstrated an understanding of the complexity of poverty lawyering.

The University of Wisconsin Law School will offer the Families, Poverty and Law class again in the fall of 1992. It will remain essentially unchanged. The professors, however, will shorten the reading assignments, offer a long paper option, and further emphasize examples of creative poverty lawyering.

IV. CONCLUSION

The Families, Poverty and Law Project at the University of Wisconsin Law School is an ongoing and innovative experiment in legal education which has resulted in useful and surprising student commentary and professorial perceptions. As the course has evolved in design, content, and style, so too have the goals and ideas which underlie the pro-

ject. Presently, the project's professors continue to explore the tensions involved in teaching and thinking about law and social change.

This Article's discussion of the accomplishments and difficulties in establishing the project is useful because it focuses on the problems which occur when introducing into the curriculum a poverty law course that incorporates the use of both critical and strategic thinking about using the law as a weapon against poverty. The Wisconsin Families, Poverty and Law Project is not a course developed simply as an alternative to the "traditional" legal curriculum. Rather, the project provides an opportunity to look critically at the substance and methods of "alternative" courses.

We have come to see now that it is necessary to go beyond the classroom and clinical to develop new ways to teach about lawyering for purposes of social change. The fundamental idea of using law to achieve greater social justice is at stake. There is a great need in the arena of legal education for a course which focuses critically on poverty. There is also a great interest, and demand, in law schools for courses which incorporate gender, racial, and ethnic group perspectives on the law. As the experiences of the Wisconsin project have shown, attempting to accomplish these needs and demands in the same course is a difficult task. The faculty involved in the Families, Poverty and Law Project are committed to making the kind of improvements in the course that are necessary to reflect student concern and, somehow, capture student interest, courage, and imagination.